



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Mohamed Zaiou et al.

Application No.: 10/815,562

Filed: March 31, 2004

For: THERAPY FOR MICROBIAL
INFECTIONS

) **MAIL STOP AMENDMENT**

) Group Art Unit: 1653

) Examiner: MITRA, RITA

) Confirmation No.: 5767

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Response to Restriction Requirement is being submitted in response to the
Restriction Requirement dated September 28, 2005.

The Examiner sets forth a restriction requirement among five groups of the claims:

Group I – Claims 1 and 11–18 drawn to an isolated cationic cathelin-like peptide
having antimicrobial activity, comprising an amino acid sequence of SEQ ID NO: 3 or
fragment thereof; a pharmaceutical composition comprising a sequence of SEQ ID NO: 3,
and (b) a peptide comprising a sequence as set forth in SEQ ID NO: 2 from about amino acid
31–131, in a pharmaceutically acceptable carrier, classified in class 530, subclass 350; class
514, subclass 2.

Group II – Claim 2, drawn to an isolated polynucleotide that encodes a polypeptide
of claim 1; classified in class 536, subclass 23.1, 23.5; class 435, subclass 69.1.

Group III – Claims 3–10, drawn to a method for inhibiting the growth of a bacterium or yeast comprising contacting the bacterium or yeast with a peptide with antimicrobial activity, comprising an amino acid sequence selected from the group consisting of (a) an amino acid sequence of SEQ ID NO: 3, and (b) an amino acid sequence of SEQ ID NO: 2 from about amino acid 31–131; classified in class 530, subclass 350; class 514, subclass 2.

Group IV – Claims 19 and 20 drawn to a method of alleviating symptoms of a bacterial infection in a subject, comprising administering an N-terminal active fragment of a cathelicidine-derived peptide comprising an amino acid sequence of SEQ ID NO: 2; or a peptide comprising a sequence of SEQ ID NO: 3; classified in class 530, subclass 350; class 514, subclass 2, 44.

Group V – Claim 21, drawn to a method for promoting tissue repair and regeneration in a subject comprising contacting an injured tissue with a composition comprising a peptide selected from the group consisting of: (a) a peptide comprising an amino acid sequence of SEQ ID NO:3, and (b) and a peptide comprising an amino acid sequence of SEQ ID NO: 2 from about amino acid 31–131; classified in class 530, subclass 350; class 514, subclass 2, 44.

In addition, the Examiner further sets forth a number of alleged patentably distinct peptides within each claim Group. For example, the Examiner alleges that the claims in Group III (claims 3-10) are drawn to patentably distinct and/or independent peptides and requires Applicants to select one residue to define the sequence of SEQ ID NO:3 or select one sequence by SEQ ID NO:2 (e.g., claim 3(b)).

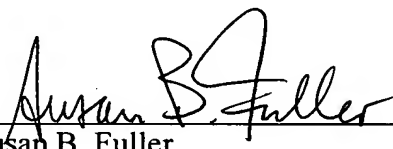
Applicants respectfully elect, without traverse, Claims 3-10 of Group III, and further elects the group of SEQ ID NO:2 from about amino acid 31 to 131 as set forth in Claim 3(b) for examination in this application.

A petition for one (1) month extension of time is filed concurrently herewith to extend the period for response to November 28, 2005. Accordingly, this response is timely filed. However, in the event there is a charge for this response, the Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate

Respectfully submitted,

BUCHANAN INGERSOLL LLP

Date: November 28, 2005

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